



Appeal Decision

Site visit made on 15 January 2025

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Appeal Ref: APP/D5120/D/24/3349288

18 Deniston Avenue, Bexley, DA5 3HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr A Weldeab against the decision of London Borough of Bexley.
 - The application Ref is 24/01220.
 - The development proposed is part one/part 2 storey side and rear extension incorporating front porch and provision of a raised patio to the rear following the demolition of existing garden shed.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are: i) the effect of the proposed rear extension on the living conditions of neighbours at 16 Deniston Avenue; and ii) the effect of the proposals on the character of the property and its neighbour.

Reasons

3. The property is a semi-detached chalet house. It is located in a residential area that mainly contains semi-detached chalet houses and semi-detached bungalows. It sits on the corner of a road junction with vehicular access at the bottom of the garden from Steynton Avenue. The area has a wide variety of alterations to the original dwellings. There are several examples where one half of the pair has been extended, such that it is differentiated from its adjoining neighbour. This includes a direct example at No.16 which has been extended with an altered roof profile, similar to that proposed in this appeal but of lesser width.

The effect of the proposed rear extension on the living conditions of neighbours at 16 Deniston Avenue

4. As noted above, No.16 has been extended by adding a 2-storey hipped wing at the front of the house, but there is no extension at the rear. The appeal proposal would have a single storey extension, 5m in depth for the full width of the house; the 2-storey part of the extension would be set in sufficiently from the curtilage boundary so that, in respect of this issue, it is not material. I also note that permission has been given for a 3m rear extension, with the same height as that now proposed.
5. No objection was raised to the appeal proposal by the occupiers at No.16 in

response to the consultation. There may be a number of reasons for a lack of response, but in my judgement a 5m extension as proposed would 'hem in' the rear façade of No. 16, to the extent that the living conditions of those neighbours would suffer a detrimental impact on the outlook from their ground floor habitable rooms. This depth would be in excess of the guideline in the Design & Development Control Guidelines: Residential Extensions Supplementary Planning Document (SPD).

6. The appellant raises the matter of the provisions of the General Permitted Development Order (GPDO) as a significant material consideration in this case. This is a reference to the right to enlarge a dwellinghouse by up to 8 metres in the case of a detached dwellinghouse or by 6 metres in the case of any other dwellinghouse, as permitted by Class A of Part 1 of Schedule 2 to the Order: Development is not permitted by Class A if — ... *“(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and —*
(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;
(g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and —
(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;”
7. There follows provisions whereby if there are no objections raised by an adjoining owner, following consultation, to a single storey rear extension of up to 6m deep on a semi-detached property, and where certain criteria are met with regard to height, depth and positioning in relation to the boundaries, prior approval of may be given or the development may commence after the expiry of 42 days without the local planning authority notifying the developer as to whether prior approval is given or refused.
8. However, there has been no Certificate of Lawful Development provided which would demonstrate that the appeal proposal meets the requirements of Class A of the GPDO, and I am not satisfied that such a certificate would be issued. This is because the proposal relates to a part 2-storey development, and the extension would extend beyond a wall which fronts a highway and forms a side elevation of the original dwellinghouse. Therefore, I give little weight to the possibility of the appeal proposal being carried out under the permitted development right suggested.
9. The proposal the subject of this appeal is materially greater in depth that the scheme that has been granted planning permission. On the basis of the material before me, I conclude that the proposed single storey rear extension would have a harmful impact on the amenities of the neighbouring residential property, No.16 Deniston Avenue, in respect of outlook from the ground floor habitable rooms.

The effect of the proposals on the character of the property and its neighbour

10. As already described, the area in which the appeal site is situated is one of varied character. So that uniformity between pairs of semi-detached houses is not

necessarily an issue. In this case, the neighbour at No.16, has already had a 2-storey side extension in the form of a hipped roofed covering ground and first floors that continue the façade of the front elevation. This clearly unbalances the appearance of the pair, which to an extent the appeal proposal would rectify.

11. However, the appeal proposal would extend the front elevation to a greater width than the neighbour, and this would continue around the flank, facing onto Steynton Avenue. This side elevation would be some 13.46m (rounded) in length, about 1m off the curtilage boundary with the footway to Steynton Avenue.
12. I conclude that the combination of these factors means that the 2-storey front and side extensions would have a harmful impact on the character of the property and would unbalance the pair to an extent that would be unacceptable. As such, the proposal would be contrary to Policies SP5 and DP11 of the Bexley Local Plan (2023), the Design and Development Control Guidelines SPD.

Overall conclusion

13. For the reasons that I have given above, the appeal proposal would have a harmful impact on the amenities of the neighbouring residential property No.16 Deniston Avenue in respect of outlook from the ground floor habitable rooms. In addition the 2-storey front and side extensions would have a harmful impact on the character of the property, unbalancing the pair of semi-detached houses. Thus the proposed development would be contrary to Policies SP5 and DP11 of the Bexley Local Plan (2023), the Design and Development Control Guidelines SPD. Therefore, the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR